



Office Use Only Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council’s web page.

1. Pre-Lodgement Meeting

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement? Yes / No

2. Type of Consent being applied for (more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Discharge
- Extension of time (s.125)
- Change of conditions (s.127)
- Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) Review breach of height to boundary

***The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

3. Would you like to opt out of the Fast Track Process? Yes / ~~No~~

4. Applicant Details:

Name/s: Totalspan Bay of Islands & Hokianga

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address: (or alternative method of service under section 352 of the Act)

Post Code: _____

5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Totalspan Bay of Islands & Hokianga

Electronic Address for Service (E-mail):

Phone Numbers: Home: _____

Postal Address: (or alternative method of service under section 352 of the Act) 1235b State Highway 10, Kerikeri 029

Post Code: _____

All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.

6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: Pam Elizabeth Finlay and Shane Michael Lee Campbell

Property Address/
Location: 277a Kerikeri Inlet Road, Kerikeri 0230

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/
Location: 277a Kerikeri Inlet Road, Kerikeri 0230

Legal Description: Lot 34, DP 148074 Val Number: 00219-14201

Certificate of Title: NA88A/606 (prior references: NA29C/1461)
Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site Visit Requirements:

Is there a locked gate or security system restricting access by Council staff? ~~Yes~~ / No

Is there a dog on the property? ~~Yes~~ / No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. **This is important to avoid a wasted trip and having to re-arrange a second visit.**

None

8. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Shed Construction has been completed. During final inspection identified breach of height to boundary rule. Details of the breach have been documented by Donaldsons Surveyors (attached).

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification

~~Yes~~/No

10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

- Building Consent (BC ref # if known) Regional Council Consent (ref # if known)
2020-11486/0
- National Environmental Standard consent Other (please specify)

11. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) yes no don't know

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). yes no don't know

- Subdividing land Changing the use of a piece of land
- Disturbing, removing or sampling soil Removing or replacing a fuel storage system

12. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Please attach your AEE to this application.

13. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write all names in full)

Email:

Postal Address:

Phone Numbers:

Post Code:

Fax:

Fees Information: An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees: I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name _____ (please print)

Signature _____ (signature of bill payer – **mandatory**) Date: 20/05/2024

14. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

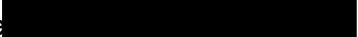
Fast-track application

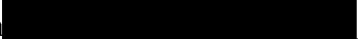
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

Declaration: The information I have supplied with this application is true and complete to the best of my knowledge.

Name  (please print)

Signature  (signature)

Date: 20/05/2024

(A signature is not required if the application is made by electronic means)

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

BAY OF ISLANDS PLANNING (2022) LIMITED

2 Cochrane Drive, Kerikeri

PO Box 318

Paihia

Phone [09] 407 5253; Email – office@bayplan.co.nz Website - www.bayplan.co.nz

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25 June 2024

Environmental Management Department
Far North District Council
John Butler Centre
Kerikeri

Dear Team Leaders,

Re: Sunlight breach at 277a Kerikeri Inlet Road, Kerikeri.

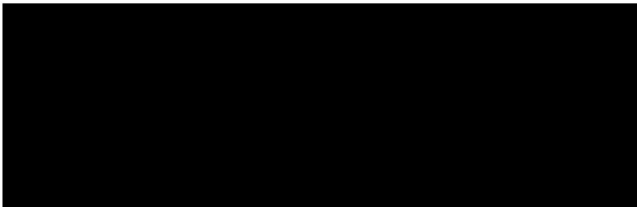
Our clients, Totalspan Bay of Islands and Hokianga (**Totalspan**), seek a retrospective resource consent for a Sunlight infringement on a shed that has already been constructed at 277a Kerikeri Inlet Road, Kerikeri.

The Sunlight breach was missed by Far North District Council (**FNDC**) at the time building consent was lodged. The infringement was picked up by the FNDC building department at final inspection.

No consents are required under the Proposed Far North District Plan (**PDP**).

Overall, the application is a **Restricted Discretionary Activity**.

Please do not hesitate to contact me should you require any further information.



Yours sincerely,
Andrew McPhee
Consultant Planner

Reviewed
Steven Sanson
Consultant Planner

1. INTRODUCTION

The applicant, Totalspan seek retrospective resource consent for a 52.27m² shed on the property at 277a Kerikeri Inlet Road, Kerikeri. The site is legally described as Lot 34 DP 148074 with an area of 2,350m². A copy of the Certificate of Title is attached within **Appendix A**.

The shed is supported by a Site Plan produced by Totalspan, attached at **Appendix B**.

2. SITE DESCRIPTION

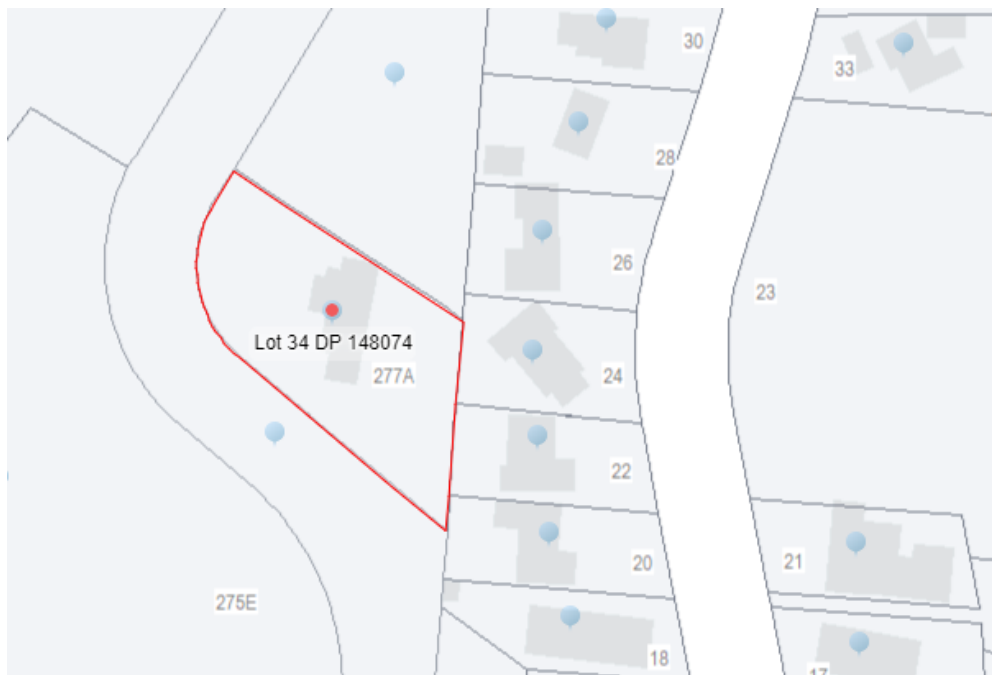


Figure 1 – Site (Source: Prover)



Figure 2 – Site Aerial (Source: Prover)

The site is accessed off Kerikeri Inlet Road, approximately 70m before the intersection with Reinga Road. The property is located on a shared driveway approximately 200m off Kerikeri Inlet Road. The site comprises a total land area of 2,350m², which can be described as generally flat.

The site has an existing consented dwelling located centrally on the property.

The site is not considered a HAIL site being identified through Councils records as ‘High Producing Exotic Grassland’. Regardless, the shed does not change the use of the site which is an existing residential activity. The shed is ancillary to this use.

3. RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS

The site Record of Title is attached at **Appendix A**. There are no consent notices registered on the title.

4. DESCRIPTION OF THE PROPOSAL

The applicant lodged a building consent to construct a 52m² shed on the property at 277a Kerikeri Inlet Road. The Sunlight infringement was not picked up at the time building consent was lodged, so building started. The Sunlight infringement was noticed prior to code of compliance (final inspection) and retrospective consent is now sought.

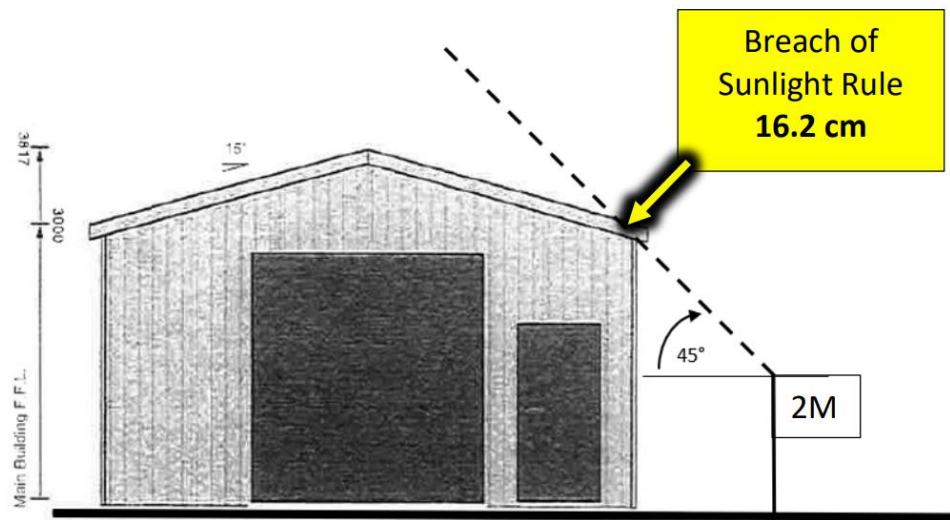


Figure 3 – Sunlight Breach (Source: Totalspan)

5. REASONS FOR CONSENT

This application seeks retrospective resource consent for:

- a Sunlight breach.

No resource layers apply to the subject property.

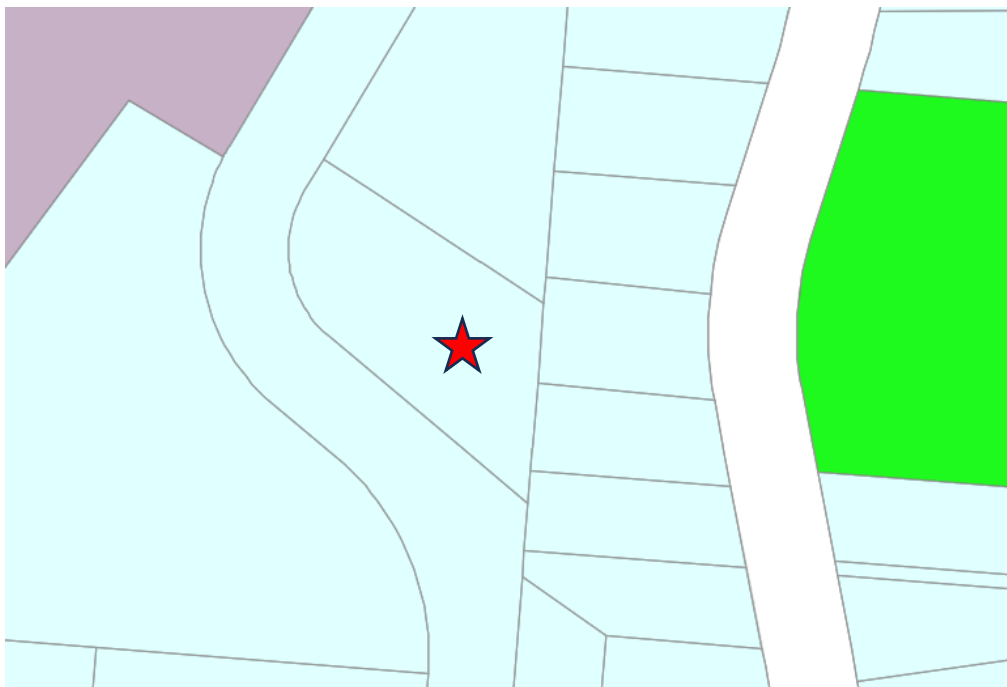


Figure 4 – Operative far North District Plan (ODP) Map – Coastal Residential Zone (Source: Far North Maps)



Figure 5 – PDP Map – Settlement Zone (Source: Far North Maps)

Tables below provide an assessment against the applicable ODP and PDP performance standards and identifies the reasons for resource consent. For the ODP these comprise the Coastal Residential zone, rules of the Part 2- Environment Provisions and the Part 3 - District Wide Rules. For the PDP these comprise of the rules with immediate legal effect.

ODP performance standards

Table 1 – Coastal Residential Zone - Performance Standards

Coastal Residential Zone standards		
Rule	Standards	Performance/Comments
Relocated buildings		N/A
Residential Intensity	<p>Permitted – Sewered sites: 800m² Unsewered sites: 3,000m²</p> <p>this rule shall not limit the use of an existing site for a single residential unit for a single household</p>	Complies
Scale of Activities		N/A.
Building Height	Permitted - The maximum height of any building shall be 8m.	Complies
Sunlight	<p>Permitted - No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary</p> <p>Restricted Discretionary – No part of</p>	Restricted Discretionary

	any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary for a length not exceeding 25% of the relevant boundary.	
Stormwater Management	Permitted - The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 50% or 1,000m ² , whichever is the lesser.	Total impermeable surface is 402.274m ² or 17% Complies
Setback from Boundaries	Permitted – 3m road boundaries 1.2m any other boundary except that no set-back is required for a maximum total length of 10m along any one such boundary.	Complies
Screening for Neighbours Non-residential Activities		N/A
Outdoor Activities		N/A
Site Intensity – Non Residential Activities		N/A
Hours of Operation – Non Residential Activities		N/A
Keeping of Animals		N/A.
Noise		Residential activity Complies
Helicopter Landing Area		N/A.
Building Coverage	Permitted - Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% or 900m ² , whichever is lesser.	Complies

Table 2 – District Wide Performance Standards

District Wide Standards		
Rule	Standard	Performance/Comments
Natural and Physical Resources		
12.1 Landscape & Natural Features	12.1.6.1.1 Protection of Outstanding Landscape Features 12.1.6.1.2 Indigenous Vegetation Clearance in Outstanding landscapes 12.1.6.1.3 Tree Planting in Outstanding Landscapes 12.1.6.1.4 Excavation and/or filling within an outstanding landscape 12.1.6.1.5 Buildings within outstanding landscapes 12.1.6.1.6 Utility Services in Outstanding Landscapes	N/A -
12.2 Indigenous Flora and Fauna	12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District 12.2.6.1.4 Indigenous Vegetation Clearance in Other Zones	N/A
12.3 Earthworks	12.3.6.1.3 Excavation and/or filling, excluding mining and quarrying, in the residential, industrial, horticultural processing, coastal residential and russell township zones Permitted – Maximum of 200m ³ within a 12-month period and cannot be higher than 1.5m cut or fill.	Construction of the shed was well under the 200m ³ limit. Complies
12.4 Natural Hazards	12.4.6.1.1 Coastal Hazard 2 Area 12.4.6.1.2 Fire Risk to Residential Units	Proposed dwelling is not within 20m from non-landscaped vegetation. Complies
12.5 Heritage	12.5.6.1.1 Notable Trees 12.5.6.1.2 Alterations to/and maintenance of historic sites, buildings and objects 12.5.6.1.3 Registered Archaeological Sites	N/A

District Wide Standards		
Rule	Standard	Performance/Comments
12.5A Heritage Precincts	There are no Heritage Precincts that apply to the site.	N/A
12.6 Air	Not applicable	N/A
12.7 Lakes, Rivers, Wetlands and the Coastline	<p>12.7.6.1.1 Setback from lakes, rivers and the coastal marine area</p> <p>12.7.6.1.2 Setback from smaller lakes, rivers and wetlands</p> <p>12.7.6.1.4 Land Use Activities involving the Discharges of Human Sewage Effluent</p> <p>12.7.6.1.5 Motorised Craft</p> <p>12.7.6.1.6 Noise</p>	<p>Proposed dwelling is outside the necessary setbacks from lakes and rivers.</p> <p>Complies</p> <p>Complies</p> <p>N/A</p> <p>N/A</p>
12.8 Hazardous Substances		N/A
12.9 Renewable Energy and Energy Efficiency		N/A
Chapter 15 - Transportation standards		
Maximum daily one-way traffic movements – Coastal Residential	Permitted – 20	<p>Application is for a shed</p> <p>Complies</p>
Parking	Appendix C	<p>Application is for a shed</p> <p>Complies</p>
Access	Permitted – Private access may serve a maximum of 8 household equivalents	<p>Application is for a shed</p> <p>Complies</p>

In terms of the ODP the application falls to be considered as a Restricted Discretionary Activity in accordance with Section 104A of the Resource Management Act 1991 (RMA).

PDP performance standards

These comprise relevant rules that have immediate effect under the PDP.

Proposed District Plan

Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource HS-R5, HS-R6, HS-R9	N/A	Yes	Not relevant as no such substances proposed.
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A		Not indicated on Far North Proposed District Plan
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A		Not indicated on Far North Proposed District Plan

resources – which are called heritage items in the map legend				
Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	N/A		Not indicated on Far North Proposed District Plan
Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	N/A		Not indicated on Far North Proposed District Plan
Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A		Not indicated on Far North Proposed District Plan. No vegetation clearance proposed.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A		Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition)	The following rules have immediate legal effect:	Yes	Complies	Earthworks were in accordance with

need to comply with this	EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5			the relevant standards.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A		Not indicated on Far North Proposed District Plan
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A		Not indicated on Far North Proposed District Plan
Comments:				
No consents are required under the PDP.				

Overall, the application will be considered as a **Restricted Discretionary Activity** due to Sunlight breach.

6. STATUTORY CONSIDERATIONS

Section 104C of the RMA governs the determination of applications for Restricted Discretionary activities:

104C Determination of applications for restricted discretionary activities

- (1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—
 - (a) a discretion is restricted in national environmental standards or other regulations:
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.
- (2) The consent authority may grant or refuse the application.
- (3) However, if it grants the application, the consent authority may impose conditions under [section 108](#) only for those matters over which—
 - (a) a discretion is restricted in national environmental standards or other regulations:
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.

With respect to Restricted Discretionary activities, a consent authority may grant or refuse the application, and must only consider those matters over which it has restricted the exercise of its discretion. The consent authority may impose conditions under section 108 of the RMA for those matters over which discretion has been exercised.

Section 104 of the RMA sets out matters to be considered when assessing an application for a resource consent,

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

For this application, the following relevant RMA plans, policy statements and national environmental standard have been considered:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, 2011
- Operative Far North District Plan 2009
- Proposed Far North District Plan 2022

As part of this application and Assessment of Effects, the relevant matters of discretion identified in the ODP have been considered.

Assessment of Effects on the Environment (AEE)

The RMA (section 3) meaning of effect includes:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Section 104(2) of the RMA states that:

“when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”

This is referred to as the “permitted baseline”, which is based on the permitted performance standards and development controls that form part of a district plan. For an effects-based plan such as the Far North District Plan where specified activities are not regulated, determining the permitted baseline is a useful tool for determining a threshold of effects that are enabled by the zone. In this instance, an application for a shed such as the one proposed would ordinarily be a permitted activity, where located sufficiently away from the boundary.

The focus of this AEE is on addressing the matters of discretion identified in the ODP for a breach in the Sunlight rule.

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

The adjacent property potentially affected by the sunlight breach is 22 Reinga Road to the east of the site.

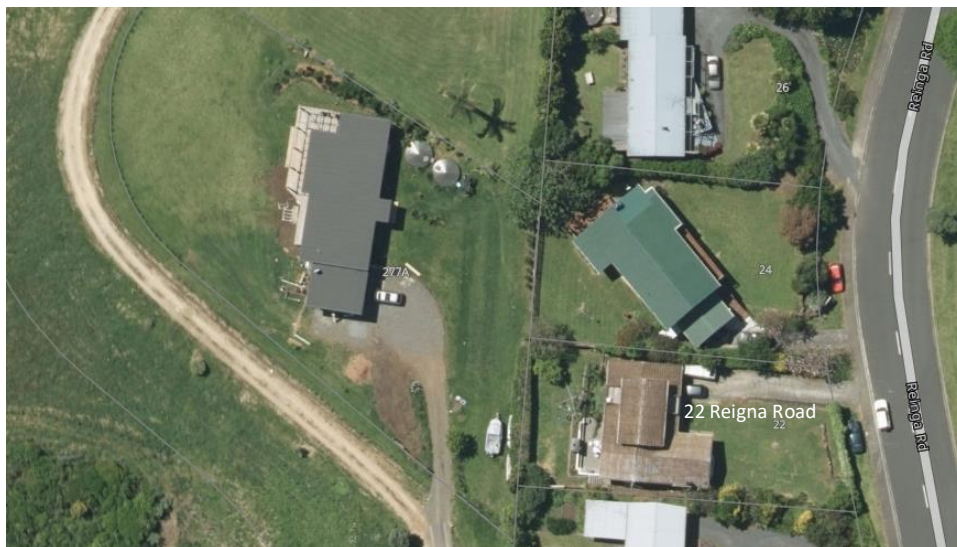


Figure 6 – 22 Reinga Road adjacent site (Source: Far North Maps)

The infringement is only from the eave of the shed on the northeastern corner and extends a length of 0.162m (16.2 cm). The remainder of the roof is within the permitted recession plane.



Figure 7 –Boundary infringement with 22 Reinga Road (Source: Google Earth)

The height of the shed at this point of infringement is three metres, so while it cannot meet the permitted exception provided for in rule 10.8.5.1.5 (Sunlight), the breach is only 30cm for an extent of 16.2cm. This breach is unlikely to be discernible, as such and effects in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight are considered to be less than minor.

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;

The roof of the dwelling at 22 Reinga Road is approximately 13 metres from the shed. The living space does lead to the boundary of the applicant’s site. However, the retrospective consent is for a shed not a dwelling, so the shed is not designed to accommodate human habitation. Further, the shed could ordinarily be placed in a near identical location as a permitted activity, only needing to be moved a matter of centimetres west of its current location. The effects of the shed on the neighbouring properties outdoor space is considered to be less than minor.

(c) the ability to mitigate any adverse effects of loss of sunlight.

Given the very minor breach in a small, localised section of the boundary, it is considered that the actual effect of loss of sunlight would be indistinguishable. As identified above, the breach is effectively 30cm in height for a length of 16.2cm, as such the effects are considered to be less than minor.

Overall, the effects of sunlight breach are considered to be less than minor, if not de minimis.

ODP and PDP Objectives and Policies

There is no requirement for a comprehensive analysis of the objectives and policies of plans where an application is for a Restricted Discretionary activity and the assessment of the application is confined to the matters of discretion identified by the district plan.

However, in short, the objectives and policies contained within both the ODP and PDP support the provision of residential activity. The addition of a shed is ancillary to residential activity, enabled in this environment. As such regard has been given to the objectives and policies and it is considered that the introduction of a shed in this location is anticipated by the provisions in both the ODP and the PDP.

7. NOTIFICATION ASSESSMENT

Public Notification

The table below outlines the steps associated with public notification insofar as it relates to s95 of the Act.

<u>Step 1</u>	<u>Mandatory public notification in certain circumstances</u>	
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
S95A(3)(b)	Is public notification required under section 95C?(after a request for further information)	TBC
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
<u>Step 2</u>	<u>if not required by step 1, public notification precluded in certain circumstances</u>	

S95A(5)(a)	Is the application for a resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; (i) a controlled activity; (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;	No
<u>Step 3</u>	<u>if not precluded by step 2, public notification required in certain circumstances</u>	
S95A(8)(a)	Is the application for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification.	No
S95A(8)(b)	Does the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor	TBC
<u>Step 4</u>	<u>public notification in special circumstances</u>	
S95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified.	No

The application is precluded for public notification under S95A(5)(b).

Limited notification

The table below outlines the steps associated with limited notification insofar as it relates to s95 of the Act.

<u>Step 1</u>	<u>certain affected groups and affected persons must be notified</u>	
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
<u>Step 2</u>	<u>if not required by step 1, limited notification precluded in certain circumstances</u>	
S95B(6)(a)	the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:	No
S95B(6)(b)	the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	No

<u>Step 3</u>	<u>if not precluded by step 2, certain other affected persons must be notified</u>	
S95B(7)	If in the case of a boundary activity, whether an owner of an allotment with an infringed boundary is an affected person in accordance with s95E.	TBA
S95B(8)	If in the case of any other activity, a person is an affected person in accordance with section 95E.	TBA
<u>Step 4</u>	<u>further notification in special circumstances</u>	
<u>S95B(10)</u>	If special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section.	No

Affected Person Determination

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them. The effects of the proposal and on adjacent landowner has been undertaken above.

Having considered the effects of the application above, the adverse effects on persons are considered to be less than minor, if not de minimis. As such limited notification is not required.

8. PART II – RMA

The Court of Appeal¹ determined that if a plan was prepared having regard to Part II of the RMA and has a coherent set of policies designed to achieve clear environmental outcomes then the policies should be implemented and recourse to Part 2 will not add anything and cannot justify an outcome contrary to its policies.

In this instance the application for a shed that could ordinarily be constructed as a permitted activity in the Coastal Residential zone, if located centremetres to the west of the current location. As the shed would ordinarily be a permitted activity in the District Plan, FNDC has knowledge of the effects of this development so there is no need for recourse through Part II of the RMA.

In summary it is considered that the application achieves the purpose of the RMA (Part II) and promotes the sustainable management of natural and physical resources.

¹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

9. Conclusion

This application seeks retrospective resource consent for a shed within the Coastal Residential zone.

The breach of the Sunlight rule is a result of it not being picked up by FNDC at the time building consent was lodged. If it had been picked up when building consent was lodged it could have been easily moved a matter of centimetres to the west before construction started. However, now that construction, including multiple building inspections has been undertaken, the shed is complete, and the only inspection left is for code of compliance.

In terms of the potential adverse effects on the environment, it is considered that the adverse effects are less than minor, if not de minimis.

We look forward to receiving acknowledgment of the application and please advise if any additional information is require.



Andrew McPhee
Consultant Planner



Reviewed
Steven Sanson
Consultant Planner



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier NA88A/606
Land Registration District North Auckland
Date Issued 06 November 1992

Prior References
NA29C/1461

Estate Fee Simple
Area 2350 square metres more or less
Legal Description Lot 34 Deposited Plan 148074
Registered Owners
Shane Michael Lee Campbell and Pamela Elizabeth Finlay

Interests

Fencing Agreement in Transfer 184601
Subject to a batter right over part marked D on DP 148074 created by Transfer C411637.2
The easements created by Transfer C411637.2 are subject to Section 309 (1) (a) Local Government Act 1974
C423370.2 Resolution pursuant to Section 321(3) (c) Local Government Act 1974 - produced 19.10.1992 at 1.36 pm and entered 6.11.1992 at 9.00 am
Appurtenant hereto is a right of way created by Transfer C423370.4 - produced 19.10.1992 at 1.36 pm and entered 6.11.1992 at 9.00 am
The easements created by Transfer C423370.4 are subject to Section 309 (1) (a) Local Government Act 1974
Fencing Covenant in Transfer C478657.1 - 10.5.1993 at 10.10 am
Land Covenant in Transfer C478657.1 - 10.5.1993 at 10.10 am
Appurtenant hereto is a right of way created by Easement Instrument 5641085.1 - 1.7.2003 at 9:00 am
Appurtenant hereto is a right to electricity, telecommunications and computer media created by Easement Instrument 8683013.1 - 22.2.2011 at 10:36 am
8877218.1 Mortgage to ANZ National Bank Limited - 13.10.2011 at 11:50 am

Approvals
The Far North District Council approves this plan of subdivision on the day of August 1991, subject to the provisions of the Resource Management Act 1974, conditional upon the granting or reserving of the easements shown in the memorandum endorsed hereon, and in accordance with the requirements and provisions of the operative district scheme in force at the date of approval of the scheme plan and according to the common seal of the Far North District Council was hereto affixed in accordance with the provisions of the Resource Management Act 1974.
(Under delegated authority)
Approved: *[Signature]*
Registered Owners

MEMORANDUM OF EASEMENTS
Purpose: *[Blank]*
R.O.N.: Lot 31, Lot 2, 34 & 35, DP 144540, Heron

SCHEDULE OF EXISTING EASEMENTS
Purpose: *[Blank]*
Better Easements: *[Blank]*

Notes: Area shown (C) hereon is subject to a restricted covenant.
Condition under Sec 308 (2) of the Local Government Act 1974, heron, shall not be subject to the provisions of that Act until the consent of the Far North District Council transfer or lease either of these parcels or any part thereof except in conjunction with the other or others. See A62985.

Approving Owners: *[Signature]*
Authorized Area Manager: *[Signature]*
Registered Memorandum of Encumbrance No.: *[Blank]*

Total Area 4-0539 ha
Comprised in CT 29C (14.61 PT), CT 850 (71 PT), CT 82B (630 TAL)

1, David Brett King of Russell
Registered Surveyor and holder of an annual practising certificate for who may act as a registered surveyor pursuant to the provisions of the Resource Management Act 1974, heron, and in accordance with the provisions of the Survey Regulations 1972, has prepared this plan of subdivision and the survey thereon in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.
Dated at Teahupua this 25th day of July 1991.
Signature: *[Signature]*
Field Book: *[Blank]*
Traverse Book: *[Blank]*

Examined: *[Signature]*
Approved as to Survey: *[Signature]*
Deposited Map: *[Signature]*
Chief Surveyor: *[Signature]*
City of Auckland 1972
District Land Registrar
DP 148074
Received: *[Signature]*
Instructions: *[Blank]*

Scale 1:1000 Date April 1991

TERMINAL AUTHORITY: Far North District Council
Surveyed by: Van Sluymmer, Galkison & Henry
Scale: 1:1000 Date: April 1991

LAND DISTRICT NORTH AUCKLAND
SURVEY BLK. & DIST. XI KERIKERI
RECORD MAP No KERIKERI 9

LOTS 1, 2, 3, 4, 34 & 35 BEING A SUBDIVISION OF PT LOT 1, DP 73764 & LOT 4, DP 139053 AND RIGHT OF WAY ON LOT 31, DP 144540

NEW CST ALLOCATED
Lot 1 88A/603
Lot 2 88A/604
Lot 4 88A/605
Lot 34 88A/606
Lot 35 88A/607

For deletion of Sec. 308 Certificate See Plan file 5/11/92

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Lot 40
Recreation Reserve

DP 860652
2
Lot 2
3865 m²

DP 860652
1
Lot 1
15471 ha

DP 55051
4
Lot 4
2868 m²

DP 73764
1
Lot 1
15471 ha

DP 139053
5
Lot 5
2868 m²

DP 144540
31
Lot 31
Right of Way

DP 148075
3
Lot 3
Recreation Reserve

DP 148075
40
Lot 40
Recreation Reserve

DP 860652
2
Lot 2
3865 m²

DP 860652
1
Lot 1
15471 ha

DP 55051
4
Lot 4
2868 m²

SITEPLAN



District Plan Zoning:	Coastal Residential
Corrosion:	D
Shed Colour:	Ironsand
Wind Zone as per AS/NZS 1170.2:	43.23
Site Area:	2350 m ²
Existing Buildings & Driveways:	350 m ²
Proposed Building M ² :	52.274 m ²
Total Site Coverage:	402.274 m ²
Impermeable Surfaces %:	17 %
Building Use:	Shed / Garage

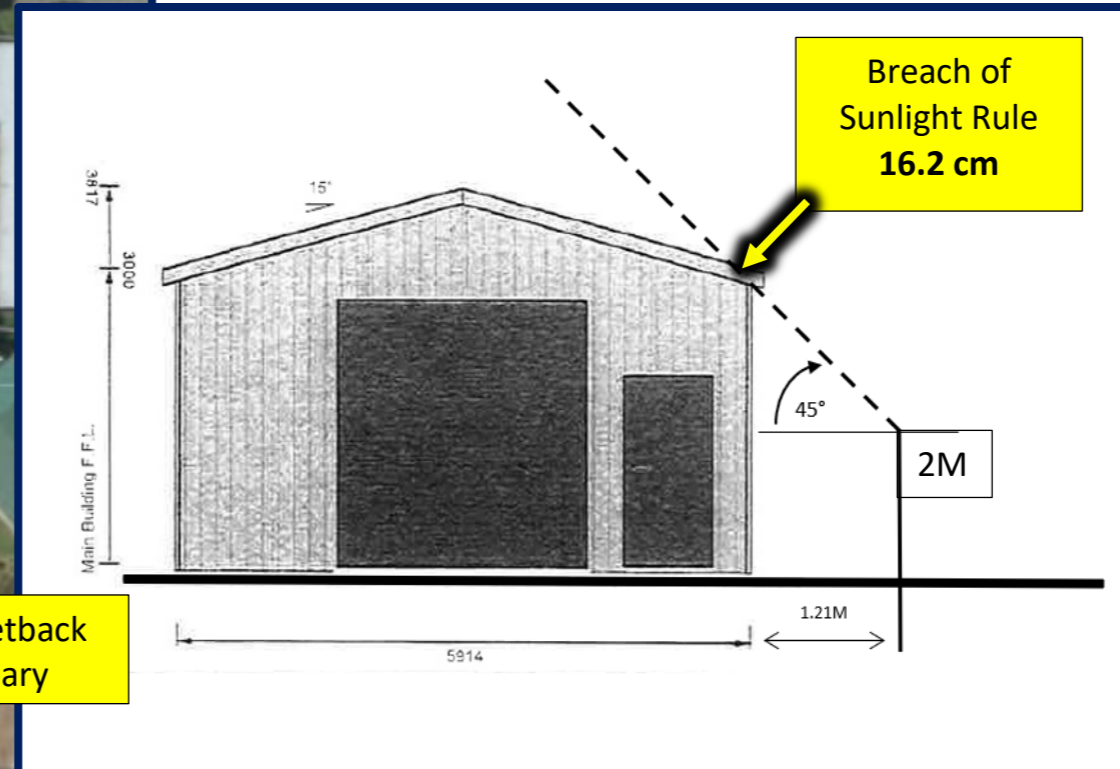
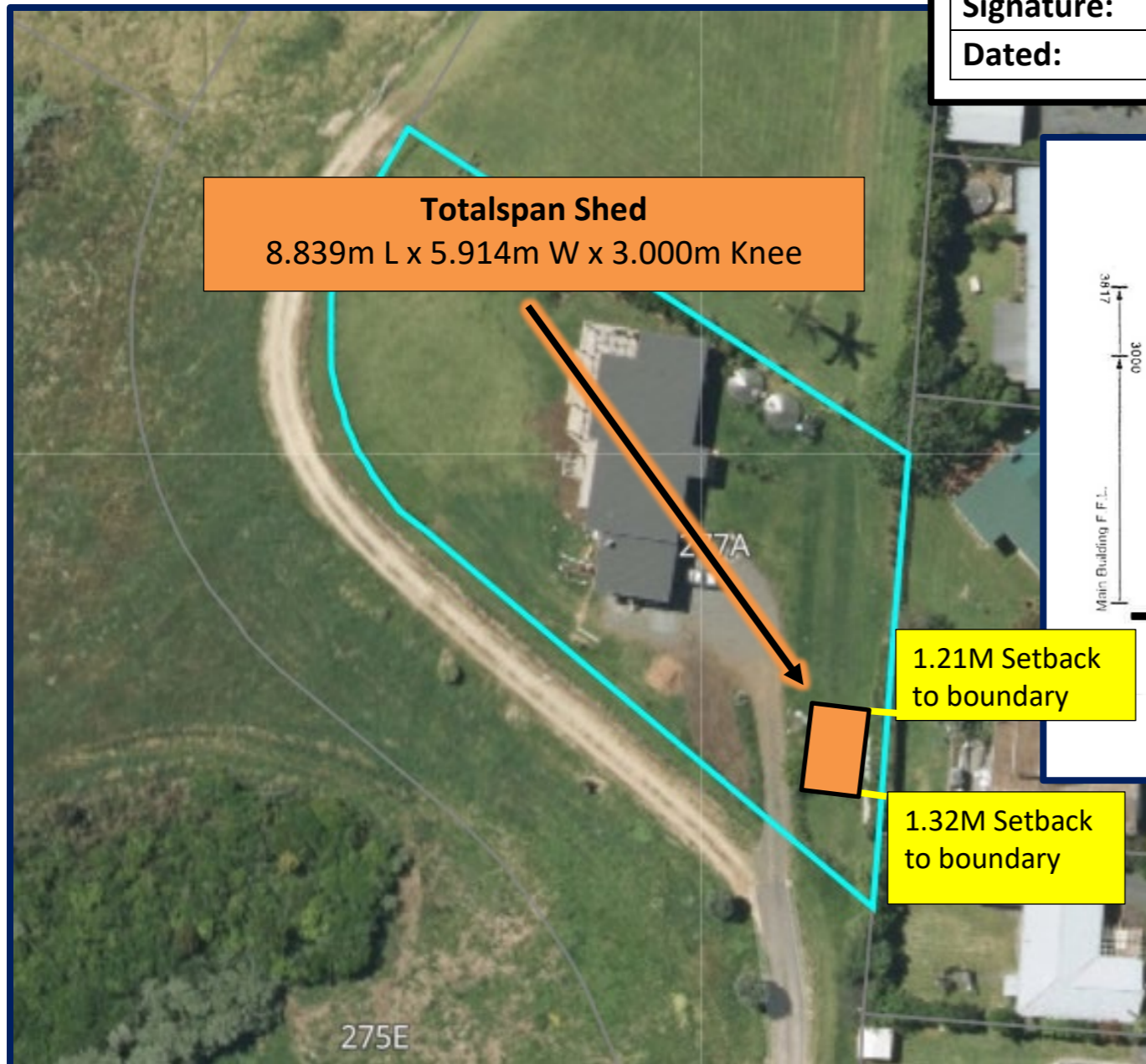
**Approval by Owners of an allotment
with an infringed boundary.**

Name (Please print below):
Signature:
Dated:
Name (Please print below):
Signature:
Dated:

Big BOI Sheds Ltd T/A Totalspan Bay of Island & Hokianga
 1235B State Highway 10,
 RD3 Kerikeri 0293
 New Zealand.
 Phone: 09 407 7875
 Email: Julia.Edwards@Totalspan.co.nz

Building For:
 Pam Finlay
Customer Site Address:
 277a Kerikeri Inlet Road, Kerikeri 0230
Date: 11th April 2024

DRAWING NOT TO SCALE
ALL DIMENSIONS IN METRES UNLESS SPECIFIED
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Key

	Proposed Totalspan Shed
	Downpipes & Tanks
	Distance Marker
	Boundary Marker
	Boundary Line